IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michiharu Kudo et al.   :   Confirmation No.: 5521

Serial No. 10/735,837   :   Group Art Unit: 2168

Filed: December 15, 2003   :   Examiner: Mahesh H. Dwivedi

For: INFORMATION PROCESSOR, DATABASE SEARCH SYSTEM AND

        ACCESS RIGHTS ANALYSIS METHOD THEREOF

<u>STATEMENT ESTABLISHING UNINTENTIONAL DELAY IN SUPPORT OF
PETITION FOR REVIVAL OF APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)</u>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Office of Petitions
Mail Stop Petition

Sir:

        The above-identified application became abandoned for failure to file a
timely an proper reply to the Office Action dated as mailed on September 7,
2006, and having a period of response extending through and including
December 7, 2006. Applicants' Petition for Revival of this application is filed
herewith.

        The following facts are submitted to establish unintentional delay in filing
the Petition for Revival filed herewith.

1. On Thursday, August 9, 2007, one of the practitioners of record, Mr. Daniel
Johnson at the IBM Almaden Research Center, became aware that this case

had gone abandoned after his administrative assistant, Ms. Bahea Albarghoute, had downloaded the file history from PAIR.

2. On or about Friday, August 10, 2007, Mr. Johnson informed Mr. Marc McSwain, who was the in-house manager of this case, that this case had gone abandoned.

3. Shortly thereafter Mr. McSwain attempted to contact Mr. Richard Goldman, the attorney of record for this case, but Mr. Goldman did not respond.

4. On or about Tuesday, August 21, 2007, Mr. Johnson had a conversation with Mr. Goldman about his responsibilities, in which Mr. Goldman acknowledged that he had been unable to give the attention required for prosecution of this and other cases as a result of ongoing family health concerns (both his and his wife's).

5. Mr. McSwain gave notice that he was leaving the company (IBM) on or about Monday, September 10, 2007, but he was unable to resolve this matter prior to his last day of employment with IBM on Friday, September 21, 2007. At that point it became Mr. Johnson's responsibility to manage this case.

6. Mr. Johnson discussed this case with his manager, Mr. Andrew Tennent, on Monday, September 24, 2007, and it was decided to send this case to Mr. Donald Wenskay for handling.

7. Mr. Johnson contacted Mr. Wenskay on Tuesday, September 25, 2007, and Mr. Wenskay agreed to review the history of the case with the intention of filing a petition to revive.

8. Mr. Johnson and Mr. Wenskay met in person to discuss this case on Friday,

September 28.

9. Mr. Johnson and Mr. Wenskay exchanged voice mails regarding this case over a period of several days beginning on Friday, October 19.

10. Mr. Johnson and Mr. Wenskay discussed this case in some detail on Wednesday, October 31, 2007.

11. On November 19, 2007 Mr. Johnson's administrative assistant, Ms. Bahea Albarghoute obtained and forwarded an English translation of the article "XML Schema and RELAX" by Makoto Murata to Mr. Wenskay for inclusion in an IDS to be filed in the present application.

11. Between October 31, 2007 and December 5, 2007 Mr. Wenskay worked on the preparation of the Amendment and Response and on the Petition to Revive enclosed herewith.

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 090441.

Respectfully submitted,

Dated: December 5, 2007   By: /Donald L. Wenskay/
                                        Donald L. Wenskay
                                        Attorney Registration No. 32661

Appl. No. 10/667,712
Statement Dated November 17, 2007

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